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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,171	06/04/2007	Stefan Geoffrey Butlin	051034	1927
23696 7590 08/16/2010 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER				
TILLERY, RASHAWN N				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
08/16/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary

Application No.

10/598,171

Applicant(s)

BUTLIN ET AL.

Examiner

RASHAWN TILLERY

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment filed 6/11/2010.
2. Claims 1, 3-12 and 14-45 are pending in this application. Claims 1, 12, 24 and 25 are independent claims. In the instant Amendment claims 1, 3-10, 12, 14-21 and 24-29 were amended and claims 30-45 were added. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-12 and 14-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastawala et al ("Bastawala" US 6973457) in view of Balakrishnan et al ("Balakrishnan" US 6763382).

Regarding claim 1, Bastawala discloses a method of displaying user interface ("UI") elements on a device (see fig 2b where "Display Range" 210 is shown), the method comprising the steps of:

determining a size of user interface UI elements that fit within a display on the device (see col. 3, lines 16-20 "in systems configured to conserve network bandwidth by allowing request and transmission of only enough information to be sent that can fit onto a client's display device, page, window or screen at a particular time");

determining a plurality of UI elements that may be selected for displaying on the display (see col. 4, lines 3-12 "Additional rows of data are fetched from sever 102 only if the appropriate rows of data from the result set are not presently cached in client cache 104");

selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have a size to fit within the display (see col. 4, lines 13-24 "the present invention can be utilized to enable scrollable cursors by caching only a portion of the result set in local memory at client cache 104, with the rest of the result cache remotely cached at the server"); and

displaying in a menu on the display, simultaneously with the loading into the memory, the first subset of UI elements (see col. 8, line 42 to col. 9, line 6 "the client cache 704a does not presently contain the rows from the result set (rows 15-17) that would allow this scrolling operation to proceed. Hence, these rows 708 will be retrieved from the server. Once these rows are retrieved, they can be displayed in display window 702b"); and

when the menu is scrolled up or down based on a user input such that at least one of the first subset of UI elements is not displayed and at least one of a second of UI elements from the plurality of UI elements is displayed (see col. 8, line 42 to col. 9, line 6 "the client cache 704a does not presently contain the rows from the result set (rows 15-17) that would allow this scrolling operation to proceed. Hence, these rows 708 will be retrieved from the server. Once these rows are retrieved, they can be displayed in display window 702b").

Bastawala does not expressly disclose discarding the at least one of the first subset of UI elements from the memory; and

loading the at least one of the second subset of UI elements into the memory.

However, Balakrishnan discloses when user scrolls up or down, the earlier data loaded into memory are removed and new data is downloaded from a remote server (see col. 7, line 63 to col. 8, line 5). It would have been obvious to an artisan at the time of the invention to modify Bastawala's user interface by including Balakrishnan's teachings in an effort to eliminate waste of network bandwidth and conserve memory.

Regarding claim 3, Bastawala discloses receiving the user input activating a user input means causing the menu to be scrolled (see col. 3, lines 9-10 "According to an embodiment, a scrollable cursor provides support for forward and backward access into a result set").

Regarding claim 4, Balakrishnan discloses that a mark-up language component is provided that defines the location of the plurality of UI elements (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 5, Balakrishnan discloses the mark-up language component further defines the displaying of the selected subset of UI elements in a list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 6, Balakrishnan discloses a template is associated with the mark-up language component, the template determining an appearance of a selected subset of UI elements displayed in the list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 7, Balakrishnan discloses that a mark-up language component is provided that defines the location of the file and the file comprises one or more data resources for displaying (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 8, Balakrishnan discloses the mark-up language component further defines the displaying of a selected subset of UI elements in a list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 9, Balakrishnan discloses a template is associated with the mark-up language component, the template determining an appearance of a selected subset of UI elements displayed in the list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 10, Balakrishnan discloses the list of the selected subset of UI elements comprises one or more further lists, each of the one or more further lists being identified by a unique expression (see col. 2, line 53 to col. 3, line 30 where the list is discussed)

Regarding claim 11, Bastawala discloses a data carrier comprising computer executable code for performing the method of any of claims 1 to 9 (see col. 11, line 24 where the computer-usable medium is discussed).

Claims 12 and 14-21 are similar in scope to claims 1 and 3-10 respectively, and are therefore rejected under similar rationale.

Regarding claim 22, Bastawala discloses the device comprises wireless communication means (see col. 11, lines 24-40 where the transmission media is discussed).

Regarding claim 23, Bastawala discloses a device comprising processing means, storage means, a display, user input means, wireless communication means and a user interface, wherein the device is configured to perform the method of any of claims 1 to 10 (see col. 11, lines 24-40).

Claim 24 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Regarding claim 26, Balakrishnan discloses the plurality of UI elements contains images and text strings operable to display a menu, and the first subset of UI elements contains a first image and a first text string chosen from the plurality of UI elements, the first image and the first text string operable for displaying the menu entry on the user interface (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Claims 27-29 are similar in scope to claim 26 and are therefore rejected under similar rationale.

Claims 30-37 are similar in scope to claims 3-10, respectively, and are therefore rejected under similar rationale.

Claims 38-45 are similar in scope to claims 3-10, respectively, and are therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/
Examiner, Art Unit 2174

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174